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(1)

Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 5230 OF 2005

PETITIONER

Totaram Dhobi, S/o. Nakul, Age 39 yrs
Sarpanch Gram Panchayat,
Village Khamaria, Bloda Bazar,
District Raipur (C.G.)

P.R. No. 4865/05
Presented by Shri S.K. Saha
dated 19/9/05

VERSUS

RESPONDENTS

1. The State of Chhattisgarh,
Through the Secretary,
Panchayat, Mantralaya, D.K.S.
Bhawan, Raipur (C.G.)

2. The Chief Executive Officer,
Janpad Panchayat, Bilaigarh,
Distt. Raipur.

3. The Collector, Raipur (C.G.)

4. The Registrar Birth & Death,
Raipur, (C.G)

RECEIVED-COPY
19/9/05
CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(41)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... W.P. No 5230/2005 ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	27-10-2005. **W.P. No.5230 of 2005.** Heard Shri Kishore Bhaduri, learned counsel for the petitioner and Shri Yashwant Singh, learned Govt. Advocate for the State, on advance copy. Learned counsel for the petitioner submits that the petitioner was elected as Sarpanch in the election held on 22.01.2004. A complaint was made against the petitioner that his third child was born after 26.01.2001, as such the petitioner was disqualified under the provisions of Section 36 (M) of the Chhattisgarh Panchayat Raj and Gram Swaraj Adhiniyam 1993. In the enquiry memo dated 22.04.2005 submitted by the In-charge, Panchayat and Social Education Organisation, Janpad Panchayat, Bhilaigarh, District Raipur to the Chief Executive Officer, it was mentioned that the third child of the petitioner was born on 26.07.2001. Learned counsel for the petitioner submits that the enquiry was held ex-parte without affording an opportunity of hearing to the petitioner. Learned counsel further submits that one Mr. Premlal had filed an application before the Additional Collector, Raipur to declare the petitioner as disqualified on the basis of the enquiry memo dated 22.04.2005. Learned counsel also submits that the Additional Collector be directed to decide the said application after affording an opportunity of hearing to the petitioner by issuing notice to him and the petitioner would submit other documents to demonstrate that the third child was born before 26.01.2001. In view of the above, the Additional Collector, Raipur is directed to decide the application dated 02.03.2005. filed by one Prem Lal, S/o Teej	

SP/FS/2005 - 20,000

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... W.P.No. 5230/2005 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Ram Sahu, Village Gopalpur, Tehsil : Bhilaigarh, District Raipur after affording the petitioner an opportunity of hearing and further permitting the petitioner to produce the documents, if any, within a period of four weeks from the date of receipt of copy of this order. The petitioner is directed to present himself before the Additional Collector on 16.11.2005 with all the relevant documents to present his case. In the meantime, status quo in regard to the status of the petitioner, as obtained today be maintained till the disposal of the application by the Additional Collector.

In view of the foregoing, the petition stand disposed of.

Consequently, M.W.P. No.4231 of 2005 and I.A. No.9090 of 2005 stand disposed of.

Certified copy as per rules.

Sd/-
Satish K. Agnihotri
Judge

SP/ES/2005 - 20,000